

SENATE BILL 548

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 66,
Chapter 28, Part 3, relative to changing of locks to
promote tenant security from domestic violence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 28, Part 3, is amended by
adding the following as a new section:

(a) This section shall be known and may be cited as the "Secure Home Act."

(b) As used in this section, "household member" means a member of the
tenant's family who lives in the same household as the tenant.

(c)

(1) A domestic abuse victim, as defined in § 39-13-111, who is a tenant
under a rental agreement, may submit a written request to the landlord to change
the locks of the leased premises if a protective order has been issued for the
benefit of the tenant or a household member requiring a protective order
respondent to refrain from entering or to vacate the leased premises of the
tenant.

(2) The written request provided under this subsection (c) shall include a
copy of a protective order issued for the benefit of the tenant or household
member dated no more than fifteen (15) days prior to the tenant's delivery of the
written request to the landlord.

(3) The landlord shall, at the landlord's expense, change the locks on the
leased premises by the close of the next business day after receiving a written

request under this subsection (c), and shall provide a copy of the new key to the tenant who made the written request.

(4)

(A) If the landlord fails to change the locks as required under subdivision (c)(3), the tenant may have the locks changed by a licensed locksmith on the leased premises without permission from the landlord.

The tenant shall:

(i) Give a duplicate key to the landlord or the landlord's agent by the close of the next business day after the lock change; and

(ii) Provide the landlord a copy of the receipt for the cost of changing the lock.

(B) The tenant shall be entitled to deduct the cost shown on the receipt from the next rent payment due and owing.

(d)

(1) A tenant whose locks have been changed pursuant to subsection (c), and who subsequently obtains an additional protective order for the benefit of the tenant or a household member requiring the respondent to refrain from entering or to vacate the leased premises of the tenant may submit a written request to the landlord to change the locks of the leased premises, pursuant to the requirements of subdivision (c)(2). Upon receipt of the written request, the landlord:

(A) Shall change the locks on the leased premises by the close of the next business day;

(B) Shall provide a copy of the new key to the tenant who made the written request for the change of locks at a mutually agreed time not to exceed twenty-four (24) hours following the lock change; and

(C) May charge a fee to the tenant not exceeding the reasonable cost of changing the locks.

(2)

(A) If a landlord charges a fee to the tenant for changing the locks of the leased premises under subdivision (d)(1)(C), the tenant shall pay the fee within forty-five (45) days of the date the locks are changed.

(B) If a tenant does not pay the fee as required under subdivision (d)(2)(A), the landlord may:

(i) Charge the fee as additional rent; or

(ii) Withhold the amount of the fee from the tenant's security deposit.

(e) A landlord shall be immune from any cause of action by any tenant or household member that arises out of acts by a protective order respondent occurring between the submission of a proper written request and the expiration of the period set forth in subdivision (c)(3) or (d)(1)(A), as applicable.

(f) Nothing in this section shall:

(1) Release any party to the rental agreement from their obligations under the rental agreement;

(2) Authorize the landlord to terminate the tenancy and cause the eviction of a tenant solely because the tenant is a victim of domestic abuse, sexual assault, or stalking; or

(3) Authorize the landlord or tenant, by agreement, to waive or modify any provision of this section.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to any rental agreement entered into or renewed on or after that date.